

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

X-IT! ACTIVEWEAR, INC.,

: Civil Action No.

Plaintiff

v.

JASPER FASHION, LLC, and
AMERICAN HEAT TRANSFERS, INC

Defendants.

RECEIVED

OCT 27 2014

AT 8:30 M
WILLIAM T. WALSH, CLERK

VERIFIED COMPLAINT

Gregory K. Byrd, Esq.
Law Office of Richard W. Hogan, J.D.
79 Main Avenue
Ocean Grove, NJ 07756
732-774-1243
fax: 732-774-6810
GB-0499
Attorney for Plaintiff

PARTIES:

1. Plaintiff X-iT! Activewear, Inc., is a limited liability company organized in Pennsylvania with business address of 430 Allentown Drive, Allentown, Pennsylvania 18109.
2. Defendant Jasper Fashion, LLC is a clothing manufacturer with an address of 336 Murray St., Elizabeth, New Jersey 07202.
3. Defendant American Heat Transfers, Inc. is a heat transfer manufacturer with an address of 269 Sheffield St. #3 Mountainside, New Jersey 07092.

JURISDICTION:

4. The District Court of New Jersey has Diversity Jurisdiction under 28 U.S.C. § 1332 in this case between a Pennsylvania Corporation and two New Jersey Corporations. The amount in controversy exceeds \$75,000.

5. In addition, the District Court of New Jersey has jurisdiction under 28 U.S.C. § 1331 over the subject matter, which arises from Federal Copyright law, including 17 U.S.C. §§ 501, et al.

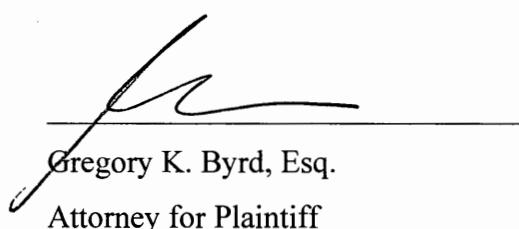
CAUSE OF ACTION:

6. Defendants, without permission from Plaintiff, have violated Plaintiff's exclusive rights to copyrighted works created by Plaintiff by manufacturing and selling clothing bearing designs copyrighted by Plaintiff. (See Exhibit A).
7. Plaintiff sent "Cease and Desist" letters to Defendants on or around December 31, 2013, but Defendants have failed to comply with Plaintiff's demands. (Exhibit A & B).
8. Plaintiff has suffered damages as a result of Defendants' actions, including lost profits and attorney's fees.

DEMAND:

1. Plaintiff asks the court to immediately impound any infringing works in Defendants' possession as well as any equipment used to create infringing works under 17 U.S.C. § 503.
2. Plaintiff asks the court to issue an injunction under 17 U.S.C. § 502 against Defendants preventing it from producing or selling Infringing works.
3. Plaintiff also seeks monetary damages for actual damages, additional profits of Defendants, and statutory damages of \$150,000 under 17 U.S.C. § 504.
4. In addition, Plaintiff seeks attorney's fees and costs under 17 U.S.C. § 505.

By:



Gregory K. Byrd, Esq.
Attorney for Plaintiff

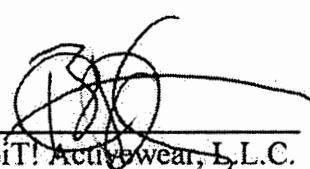
Plaintiff's Verification

1. I certify that I am an authorized officer of the corporation bringing this action.
2. I have read the verified complaint and the information contained in it is true and based upon my personal knowledge.
3. The matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated and no other parties should be joined in this action.
4. I certify that confidential personal identifiers have been redacted from documents no submitted to the court, and will be redacted from all documents submitted in the future.
5. The foregoing statements made by me are true and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signature

9/30/14

Date

Clarke Dundas 
on behalf of X-iT! Activewear, L.L.C.

430 Allentown Drive
Address Allentown, PA 18109